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6 Attorneys for Linda Livolsi

7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 LINDA LIVOLSI,

15 Defendant.

2:10-cr-578-PMP-GWF

**STIPULATION TO CONTINUE  
MOTION DEADLINES AND TRIAL  
DATES**

(First Request by New Counsel)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
17 States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the United  
18 States of America, and Rene L. Valladares, Federal Public Defender, and Monique Kirtley, Assistant  
19 Federal Public Defender, counsel for defendant LINDA LIVOLSI, that the calendar call currently  
20 scheduled for October 30, 2013, at the hour of 9:30 a.m., be vacated and the trial currently scheduled  
21 for November 5, 2013, at the hour of 9:00 a.m., be vacated and set to a time and date convenient to  
22 this court. However, in no event earlier than one hundred and eighty (180) days.

23 IT IS FURTHER STIPULATED AND AGREED, that the parties herein shall have to and  
24 including March 12, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions  
25 and notice of defense.

26 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
27 have to and including March 26, 2014, by the hour of 4:00 p.m., within which to file any all  
28 responsive pleadings.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall  
2 have to and including April 2, 2014, by the hour of 4:00 p.m., within which to file any and all replies  
3 to dispositive motions.

4 This Stipulation is entered into for the following reasons:

5 1. Undersigned defense counsel was newly appointed to represent Ms. Livolsi on  
6 September 30, 2013. Defense counsel has not had adequate time to review the discovery, which is  
7 voluminous, with the defendant.

8 2. The defendant is not incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but merely  
11 to allow counsel for defendant sufficient time within which to be able to effectively and complete  
12 investigation of the discovery materials provided.

13 5. Additionally, denial of this request for continuance could result in a miscarriage of  
14 justice. The additional time requested by this Stipulation is excusable in computing the time within  
15 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
16 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering  
17 the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

18 This is the first request to continue motion and trial dates filed herein.

19 DATED this 17<sup>th</sup> day of October, 2013.

20 RENE L. VALLADARES  
21 Federal Public Defender

DANIEL G. BOGDEN  
United States of America

22 */s/ Monique Kirtley*

*/s/ J. Gregory Damm*

23 By: MONIQUE KIRTLEY  
24 Assistant Federal Public Defender  
Counsel for Linda Livolsi

By: J. GREGORY DAMM  
Assistant United States Attorney  
Counsel for the Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

2:10-cr-578-PMP-GWF

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

vs.

LINDA LIVOLSI,

Defendant.

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Undersigned defense counsel was newly appointed to represent Ms. Livolsi on September 30, 2013. Defense counsel has not had adequate time to review the discovery, which is voluminous, with the defendant.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively and complete investigation of the discovery materials provided.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity

1 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
2 exercise of due diligence.

3 The continuance sought herein is excusable under the Speedy Trial Act, title 18, United  
4 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
5 when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B)(i) and  
6 3161(h)(7)(B)(iv).

7 **ORDER**

8 IT IS THEREFORE ORDERED that the parties herein shall have to and including March  
9 12, 2014, by the hour of 4:00 p.m., within which to file any and all pretrial motions and notice of  
10 defense.

11 IT IS FURTHER ORDERED that the parties shall have to and including March 26, 2014,  
12 by the hour of 4:00 p.m., within which to file any all responsive pleadings.

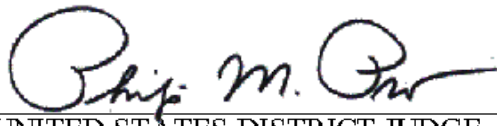
13 IT IS FURTHER ORDERED that the parties shall have to and including April 2, 2014, by  
14 the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

15 IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury  
16 instructions, and a list of the Government's prospective witnesses must be electronically submitted  
17 to the Court by the 28th day of May, 2014, by the hour of 4:00 p.m.

18 IT IS FURTHER ORDERED that the calendar call currently scheduled for October 30, 2013,  
19 at the hour of 9:30 a.m., be vacated and continued to May 28, 2014 at 9:30 AM.

20 ; and the trial currently scheduled for November 5, 2013, at the hour of 9:00 a.m., be vacated  
21 and continued to June 3, 2014 at 9:00 AM.

22 DATED 18th day of October, 2013.

23   
24 UNITED STATES DISTRICT JUDGE